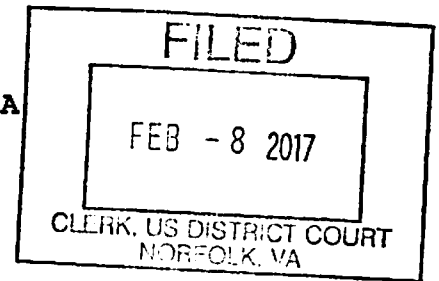


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CLINTON SHAWN DUNNING,
(Federal #28282-057, State #392513)

Petitioner,

v.

ACTION NO. 2:16cv133

ERIC D. WILSON, Warden

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner challenges the calculation of the federal sentence he received from the Middle District of North Carolina. Specifically, he seeks credit for time spent in state custody prior to the commencement of his federal sentence.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report of the Magistrate Judge was filed on January 4, 2017, recommending dismissal of the petition. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's Report and Recommendation and the time for filing objections has now

expired.¹

Accordingly, the Court does hereby accept the findings and recommendations set forth in the report of the United States Magistrate Judge filed January 4, 2017, and it is, therefore ORDERED that respondent's Motion for Summary Judgment (ECF No. 5) be GRANTED, and that the petition (ECF No. 1) be DENIED and DISMISSED with prejudice.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk is directed to mail a copy of this Final Order to petitioner at the following addresses where he has been housed during the course of these proceedings:


Clinton Shawn Dunning
State No. 392513
Guilford County Detention Center
201 South Edgeworth Street
Greensboro, NC 27401

Clinton Shawn Dunning
Federal No. 28282-057
FCI-Petersburg (Medium)
P. O. Box 1000
Petersburg, VA 23804

¹Although Petitioner has been transferred on several occasions throughout these habeas proceedings, he has failed to keep the court informed of his transfers and current location. The court was eventually able to determine that Petitioner was being housed at the Guilford County Detention Center in Greensboro, NC on state criminal charges. (ECF No. 9). A copy of the Report and Recommendation sent to his attention at that address was not returned unclaimed.

Clinton Shawn Dunning
Federal No. 28282-057
USP Big Sandy
1197 Airport Road
Inez, KY 41224

The Clerk is further directed to provide an electronic copy of
the Final Order to counsel of record for respondent.

 /s/

REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

February 8, 2017